

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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|-----------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA, |) | 4:08CR3145 |
| |) | |
| Plaintiff, |) | ORDER CONTINUING EVIDENTIARY |
| |) | AND SENTENCING HEARING, |
| v. |) | WITHDRAWING ORDER ON MOTION |
| |) | FOR EXPENSES AND AN ORDER FOR |
| DEANTE CHAVATE LEVI GAINES, |) | THE U.S. MARSHAL TO PROVIDE NON- |
| |) | CUSTODIAL ONE-WAY |
| Defendant. |) | TRANSPORTATION FOR DEFENDANT |
| |) | AND HIS THIRD-PARTY CUSTODIAN |

The defendant filed a Motion for Expenses, filing 63, in which the defendant stated he was without sufficient funds to pay for the trip to Lincoln, Nebraska, from Chicago, Illinois, to attend the evidentiary and sentencing hearing for himself and his third-party custodian. I granted the Motion for Expenses, filing 67. However, in a telephone call to chambers on June 19, 2009, I learned that there is insufficient time to complete the process in order for the defendant to receive reimbursement of his costs before the scheduled June 22, 2009, hearing. Because the defendant is indigent and in need of non-custodial one-way transportation, transportation arrangements will need to be provided by the U.S. Marshal Service for him and his third-party custodian and a continuance in the evidentiary and sentencing hearing is warranted.

IT THEREFORE IS ORDERED that:

1. the Order on Motion for Expenses, filing 67, is withdrawn;
2. the evidentiary and sentencing hearing is continued to July 6, 2009, at 1:30 p.m., in Courtroom No. 4, U.S. Courthouse, 100 Centennial Mall North, Lincoln, Nebraska;
3. the U.S. Marshal shall provide non-custodial one-way transportation and subsistence **only during the period of travel** for the defendant and his third-party custodian to travel from Chicago, Illinois, to Lincoln, Nebraska, for the evidentiary and sentencing hearing and that the defendant shall arrive in Lincoln by at least 12:00 p.m. on July 6, 2009;

4. all travel may be the less expensive of either ground transportation with subsistence or air travel with subsistence.
5. the defendant shall be present for the hearing.

Dated June 22, 2009.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge